## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

3:21-cv-00661-RJC (3:19-cr-00280-RJC-DSC-1)

CLEVEN SCOTT,	)
Petitioner,	)
vs.	ORDER
UNITED STATES OF AMERICA,	)
Respondent.	) ) )

**THIS MATTER** is before the Court on review of the appellate record in Petitioner's related criminal proceedings.

On January 3, 2022, the Court ordered the Government to respond within 60 days to Petitioner's Pro Se Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence. [Doc. 2]. Given the nature of Petitioner's claims, the Court ordered the Government to obtain an affidavit from Petitioner's defense counsel. [Id.]. After review of the appellate record in Petitioner's related criminal proceeding, the Court has determined that no affidavit of defense counsel is required or necessary. The Court, therefore, vacates that portion of its Order requiring an affidavit of defense counsel. The response and reply deadlines set forth in the Court's initial review Order remain unchanged.

IT IS, THEREFORE, ORDERED that the Court hereby VACATES the requirement of an affidavit of defense counsel in Docket No. 2 in accordance with the terms of this Order.

Signed: February 8, 2022

Robert J. Conrad, Jr.

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